United Nations A/HRC/35/L.29

General Assembly

Distr.: Limited
19 June 2017

Original: English

Human Rights Council
Thirty-fifth session
6–23 June 2017
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania, Andorra,* Argentina,* Australia,* Austria,* Belgium, Bosnia and Herzegovina,* Botswana, Brazil, Bulgaria,* Chile,* Colombia,* Croatia, Czechia,* Denmark,* Ecuador, Estonia,* Finland,* France,* Georgia, Germany, Haiti,* Honduras,* Iceland,* Italy,* Latvia, Lithuania,* Luxembourg,* Mexico,* Montenegro,* Netherlands, Norway,* Peru,* Portugal, Rwanda, Serbia,* Slovenia, Spain,* Sweden,* the former Yugoslav Republic of Macedonia,* Turkey,* Ukraine,* United Kingdom of Great Britain and Northern Ireland: draft resolution

35/... Elimination of discrimination against women and girls

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

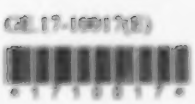
Reaffirming the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and all other relevant international human rights instruments,

Recalling the Vienna Declaration and Programme of Action, the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences, the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference,

Recalling also all relevant resolutions and agreed conclusions adopted by the Human Rights Council, the General Assembly, the Security Council, the Commission on the Status of Women and other United Nations agencies and bodies, which consider the issue of discrimination against women,

Welcoming the inclusion of both gender equality and the empowerment of all women and girls as a stand-alone goal and its integration into all goals and targets of the

* State not a member of the Human Rights Council.



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2030 Agenda for Sustainable Development,[1] and the adoption of the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,[2]

Deeply concerned that no country in the world has yet fully eliminated gender-based discrimination[3] and by the fact that many women and girls everywhere, particularly those who are marginalized or in a vulnerable situation, face multiple and intersecting forms of discrimination and are still subject to discriminatory laws and practices, and that de jure and de facto equality has not been achieved,

Expressing profound concern about the backlash against the progress made by civil society, including women's and community-based organizations, feminist groups, women human rights defenders and girls' and youth-led organizations, to fulfil women's human rights,

Recognizing the need for States to accelerate the implementation of strategies that respect, protect and fulfill women's right to enjoyment of civil, political, economic, cultural and social rights without discrimination by adopting good practices, and affirming that realizing their human rights requires the full, effective and meaningful participation and contribution of women and girls in all aspects of public, political, economic, cultural, social and family life, on an equal footing with men and boys,,

Underscoring that international human rights treaties prohibit discrimination, inter alia, on the basis of gender and that national legislation should adhere to each State's international obligations,

Recognizing that legal provisions related to gender equality create the framework from which women's rights can most comprehensively be promoted, protected and fulfilled and constitute an essential mechanism for women's and girls' full and equal enjoyment of all human rights, and recognizing that laws alone are insufficient to eliminate discrimination against women and girls and must be accompanied by supportive and sustainable environments in all sectors of society in which they can be meaningfully implemented,

Recognizing also that discrimination against women and girls is inherently linked to deep-rooted gender stereotypes, that discriminatory attitudes, behaviours, norms, perceptions, customs and harmful practices have direct negative implications for the status and treatment of women and girls and that gender-biased environments impede the implementation of legislative and normative frameworks that guarantee gender equality and prohibit discrimination against women and girls,

Fully recognizing that participation of women in public affairs, leadership and decision-making positions is key for advancing women's rights and empowerment and has enabled the development of support and skills to address a democratic deficit due to the history of women's exclusion from public life, including the implementation of all measures to remove all barriers preventing women from being elected,

Emphasizing the significant role that women play in economic development and in the eradication of poverty, while acknowledging that structural barriers to gender equality and gender-based discrimination persist in labour markets worldwide, and stressing the need to promote equal pay for equal work or work of equal value as a critical measure to

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[1] General Assembly resolution 70/1.

[2] General Assembly resolution 69/313, annex.

[3] See World Health Organization, "Leading the realization of human rights to health and through health: report of the High-level Working Group on the Health and Human Rights of Women, Children and Adolescents".

eliminate the gender pay gap, recognizing women's full and equal access to economic resources, including the equal right to inheritance and ownership of land and other property, to promote decent paid care and domestic work by providing social protection and safe work conditions, and to develop and promote policies that facilitate the reconciliation and sharing of work and family responsibilities for both women and men,

Recognizing that progress has been made in increasing access to education for both boys and girls, in reducing the gender gap in youth literacy, in expanding universal primary education, in particular in developing countries, and in reducing the number of out-of-school children of primary school age worldwide,

Fully recognizing that ending discrimination against women and girls is essential to ensure peace, security, sustainable development and respect for human rights, that everyone benefits from the achievement of gender equality and that the negative impacts of gender inequality and discrimination, including violence against women and girls, are borne by society as a whole, and therefore emphasizing that men and boys, through taking responsibility themselves as agents and beneficiaries of change and by working alongside women and girls, are essential in the achievement of gender equality, the empowerment of women and girls and to efforts to prevent and eliminate all forms of discrimination and violence,

Reaffirming that the human rights of women include a woman's right to have control over and to decide freely and responsibly on matters related to her sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and that equal relationships between women and men in matters of sexual relations and reproduction, including full respect for the dignity, integrity and autonomy of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences,

Recognizing the major contributions made by civil society, including women's and community-based organizations, feminist groups, women human rights defenders and girls' and youth-led organizations, in the development of good practices that place the interests, needs and visions of women and girls on local, national, regional and international agendas, including the 2030 Agenda, and recognizing the importance of having an open, inclusive and transparent engagement with civil society in the implementation of measures on the empowerment of women and girls,

Recognizing also that the identification and the sharing of good practices in the eradication of discrimination against women in law and in practice illustrate the ways and means to implement human rights most effectively in diverse contexts; however, they comprise a complex, multifaceted endeavour involving a wide range of interconnected rights and cannot be considered in isolation from the breadth of actions and actors involved in processes of social change,

Taking note of the Secretary-General's High-level Panel on Women's Economic Empowerment, which stressed that addressing adverse norms and all forms of discrimination, ensuring legal protections and repealing discriminatory laws and regulations, including those related to families, is critical to achieving women's economic empowerment,

1. *Calls upon* States to consider ratifying or acceding to, as a matter of particular priority, the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto, to limit the extent of any reservations and formulate them as precisely and as narrowly as possible to ensure that no reservations are incompatible with the object and purpose of the Convention, to implement its provisions through appropriate legislation and policies, as applicable, and to take into due account recommendations made by the Committee on the Elimination of Discrimination against Women, the Working Group on the issue of discrimination against women in law

and in practice, the Special Rapporteur on violence against women, its causes and consequences, other States during the universal periodic review and other relevant human rights mechanisms, with a view to ensuring the realization of women's human rights;

2. *Takes note with appreciation* of the report of the Working Group,[6] and calls upon States to take steps to promote reforms and implement legal frameworks and policies directed to achieving gender equality and the elimination of all forms of discrimination against women and girls, taking into consideration the good practices identified in the four thematic reports of the Working Group;[7]

3. *Calls upon* States:

(*a*) To repeal all laws that exclusively or disproportionately criminalize actions or behaviours of women and girls, and laws that discriminate against them, based on any grounds, including any custom, tradition or cultural or religious consideration contrary to the obligation to eliminate discrimination against women and girls;

(*b*) To take measures to ensure that international obligations on gender equality and non-discrimination are incorporated at all levels of the legal framework;

(*c*) To consider reviewing all proposed and existing legislation on the basis of respective international obligations, with a gender-responsive perspective, involving, when necessary, independent experts, women human rights defenders, women's and girls' community-based organizations, feminist groups and youth-led organizations, and other relevant stakeholders;

(*d*) To promote laws and programmes that facilitate good practices related to women's and girls' empowerment and to the elimination of discrimination against them, by conducting systematic, comprehensive and regular gender analysis of the law and programmes and its potential impact;

4. *Urges* States to take all appropriate measures to modify social and cultural patterns of conduct with a view to preventing and eliminating in the public and private spheres patriarchal and gender stereotypes, negative social norms, attitudes and behaviours, and unequal power relations that view women and girls as subordinate to men and boys and that underlie and perpetuate discrimination and violence against women and girls;

5. *Calls upon* States to take steps:

(*a*) To remove barriers, whether political, legal, cultural, economic, institutional or religious, preventing women's full, equal and effective participation in leadership and political and other decision-making positions;

(*b*) To take temporary special measures to support women's participation in and election to government at all levels;

(*c*) To ensure gender-responsive mainstreaming of policymaking processes, including public financial management;

(*d*) To provide training on a rights-based gender analysis for duty holders in all spheres and meaningful collaboration with civil society, including women's and community-based organizations, feminist groups, women human rights defenders and girls' and youth-led organizations;

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[6] A/HRC/35/29.

[7] A/HRC/23/50, A/HRC/26/39, A/HRC/29/40 and A/HRC/32/44.

6. *Urges* States to guarantee women's equal enjoyment of civil, political, economic, social and cultural rights, to take all appropriate steps to eliminate discrimination by any actors, State or non-State, by ensuring equal opportunity through temporary positive measures, where appropriate, including accommodation for gender-specific needs and equal enjoyment of benefits, by recognizing, reducing and redistributing women's disproportionate share of unpaid care and domestic work and by taking steps to facilitate the transition of informal workers, including those engaged in informal paid care and domestic work, to the formal economy, and to extend rights to non-discrimination, paid parental leave and childcare provisions;

7. *Encourages* States to prioritize the allocation of funds, both internationally and domestically, to support women's full and equal enjoyment of all human rights, including by mainstreaming gender equality in the process of conceiving, planning, approving, executing, analysing and ordering budgets, to ensure that their legal and policy commitments bear results, and to implement active and sustained measures to promote good practices in the eradication of discrimination and the promotion of women's and girls' empowerment, including measures focused on attitudinal and behavioural change that cultivate an environment in which good practices in achieving gender equality in law and practice can thrive;

8. *Calls upon* States:

(*a*) To ensure the equal enjoyment of girls and boys to quality education at all levels and the elimination of discriminatory laws and practices, school-related gender-based violence and gender stereotypes that prevent girls from having access to, completing and continuing their education, and to provide incentive mechanisms to this end;

(*b*) To develop and implement programmes that specifically aim to prevent and eliminate gender disparities in enrolment and gender-based bias and stereotypes in education systems, curricula and materials, whether derived from any discriminatory practices, social or cultural attitudes or legal and economic circumstances;

(*c*) To consider adopting good practices to support substantive equality within families through long-term awareness-raising initiatives, especially education and public awareness, including through the media and online, incorporation of curricula on women's rights into teacher training courses, including evidence-based, comprehensive sexuality education and gender-based violence prevention;

9. *Also calls upon* States to implement policies to engage, educate, encourage and support men and boys:

(*a*) To take an active part and become strategic partners and allies, alongside women and girls, in the prevention and elimination of all forms of discrimination and violence against women and girls;

(*b*) To be agents and positive role models for addressing discrimination and gender inequality and promote respectful relationships and equal sharing of work and family responsibilities;

(*c*) To refrain from and condemn all forms of discrimination and violence against women and girls;

(*d*) To increase their understanding of the harmful effects of discrimination and violence on the victim/survivor;

(*e*) To take responsibility and be held accountable for their behaviour, including sexual and reproductive behaviour, and behaviour that perpetuates and normalizes patriarchal attitudes and gender stereotypes that underlie discrimination and violence against women and girls;

10. *Further calls upon* States to ensure access to justice and accountability mechanisms and remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating discrimination against women and girls, taking into account the multiple, intersecting and aggravating forms of discrimination, including by informing women and girls about their rights under relevant laws, training law enforcement officers and monitoring how they address discrimination and gender inequality, improving the legal system and taking steps to remove all barriers to access to legal counselling, assistance and remedies;

11. *Calls upon* States to progressively realize the full enjoyment of the highest attainable standard of physical and mental health, including sexual and reproductive health, and to eliminate legal, administrative, financial and social barriers that hinder universal access to available, accessible, acceptable, timely, affordable and quality health services for women and girls through gender-responsive national strategies and public-health policies and programmes that are comprehensive, affordable and better targeted to addressing their needs;

12. *Urges* States to ensure the promotion, protection and the fulfilment of all human rights and the full and effective implementation of the Beijing Platform for Action and the Programme of Action of the International Conference on Population and Development and the outcome documents of their review conferences and of sexual and reproductive health and reproductive rights in this context, and to promote, protect and fulfil the right of all women to have full control over and decide freely and responsibly on matters related to their sexuality and sexual and reproductive health, free from discrimination, coercion and violence, including through the removal of legal barriers and the development and enforcement of policies, good practices and legal frameworks that respect the right to decide autonomously in matters regarding their own lives and health, including their bodies, and ensure universal access to sexual and reproductive health, services, information and education, including for family planning, safe and effective methods of modern contraception, emergency contraception, prevention programmes for adolescent pregnancy, maternal health care, such as skilled birth attendance and emergency obstetric care, safe abortion where not against national law and the prevention and treatment of reproductive tract infections, sexually transmitted infections, HIV and reproductive cancers and the integration of sexual and reproductive health into national strategies and programmes;

13. *Also urges* States to create and support an enabling environment for the full participation of women's civil society organizations and women human rights defenders in the creation, design and implementation of all relevant legislation and policies relevant for the human rights of women, as well as when adopting and implementing good practices conducive for the sustainable application of equality and empowerment measures for women, and also to consider the application of the good practices framework for the creation and maintenance of a safe and enabling environment for civil society developed in the report of the United Nations High Commissioner for Human Rights,[6] with a gender-responsive perspective that takes into account the unique position and challenges faced by women human rights defenders;

14. *Calls upon* all States to continue developing and enhancing standards and methodologies at the national and international levels to improve the collection, analysis and dissemination of gender statistics and sex- and age-disaggregated data by strengthening national statistical capacity, including by enhancing the mobilization, from all sources, of financial and technical assistance for enabling developing countries to systematically

[6] A/HRC/32/20.

design, collect and ensure access to high-quality, reliable and timely data disaggregated by sex, age, income and other characteristics relevant in national contexts;

15. *Also calls upon* all States to cooperate with and assist the Working Group in its task, to supply all necessary available information requested by it and to give serious consideration to responding favourably to its requests to visit their country to enable it to fulfil its mandate effectively;

16. *Invites* relevant United Nations agencies, funds and programmes, in particular the United Nations Entity for Gender Equality and the Empowerment of Women, the treaty bodies and other special procedures, within their respective mandates, and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Working Group in the fulfilment of its mandate, and requests the Working Group to continue to engage with the Commission on the Status of Women, including by participating in its work and formally reporting;

17. *Decides* to continue its consideration of this issue in conformity with its annual programme of work.